

AUG - 5 2005

For The Northern Mariana Islands

By _____

(Deputy Clerk)

**TRIAL MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

CR-04-00038

August 5, 2005

9:00 a.m.

UNITED STATES OF AMERICA -v- ERIC JOHN TUDELA MAFNAS, et. al.

PRESENT: Hon. A. Wallace Tashima, Senior Circuit Judge
Sanae Shmull, Court Reporter
Michelle C. Macaranas, Courtroom Deputy
Timothy Moran, Assistant U. S. Attorney
Jamie Bowers, Assistant U.S. Attorney
Stephanie Flores, Attorney for Defendant Mafnas
Victorino Torres, Attorney for Defendant Mafnas
Perry Inos, Attorney for Defendant Patris
Eric John Tudela Mafnas, Defendant
Charley K. Patris, Defendant

PROCEEDINGS: JURY TRIAL - Day Four

Government by Timothy Moran and Jamie Bowers, AUSAs. Attorney Stephanie Flores and Victorino Torres was present on behalf and with defendant, Eric John Tudela Mafnas. Attorney Perry Inos was present on behalf and with defendant, Charley K. Patris. Also present was Joe Auther, Special Agent FBI.

At 9:00 a.m. all jurors were present. Court resumed at 9:05 a.m.

GOVERNMENT CONTINUED WITH WITNESS: **STEVEN FAISAO ABAL**. DX. Ref. as to witness' customers. Motion to strike statement from the record. Granted. Ref. to cooperating source interview of Batman dated May 12, 2004 signed by Steven Abal. Objections as to such document. Counsels review the documents. DX continued. *Attorney Flores began CX. Attorney Inos began CX.* Ref. to Mobil Chalan Kiya telephone conversation with Carl Cabrera *Government began RDX. Attorney Flores began RCX. Attorney Inos began RCX.* At 9:40 a.m. witness Steven Abal was excused.

GOVERNMENT CALLED WITNESS: **MONICA ADA (Guam Police Department)** DX. Witness was not present at 9:42 a.m. Court waits for her presence. At 9:45 a.m. witness was sworn. *Government began DX.* Ref. to Ex. 1 & 2. Ref. to Ex. 21D. Ex. 18. Government offered Ex. 18; no objections; Court so ordered. Ex. 2.

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At 10:22 a.m. the Court admonished and excused the jurors for a break. Witness was also excused for a break. Court resumed at 10:47 a.m. All jurors were present.

GOVERNMENT CONTINUED WITH WITNESS: **MONICA ADA (Guam Police Department)** DX. Ex. 2. *Defense counsels had no CX. Government had no RDX.* Witness was excused at 10:49 am.

GOVERNMENT CALLED WITNESS: **RAY M. RENGUUL. (DEA/CNMI Task Force Officer)** Witness was sworn. DX. Ref. to document regarding David Diaz case. Ref. to Darrel Quitugua case. Ref. to Ex. 23 & 23A. Government offered Ex. 23 & 23A; objections; Court reserved. Ex. 23 & 23A. Ex. 21. Ref. to Steven Pangelinan. *Attorney Flores began CX.* Ref. to Ex. 23. Ref. to Frankie Mafnas. *Attorney Inos began CX. Government began RDX. Attorney Flores began RCX.*

At 11:50 p.m. Court admonished and excused all jurors for lunch and ordered to return at 1:30pm to resume trial.

Court took up the matter regarding exhibit 23 & 23A. Defense counsels object as to hearsay. Court sustained the objection. After further arguments, the Court sustained the objection. At 11:55 pm witness Renguul was excused.

Court recessed for lunch at 11:55pm.

Court resumed at 1:35 p.m. Court took up matter regarding Verizon phone cards. At 1:37 p.m. the jury was brought into the Courtroom.

GOVERNMENT CALLED WITNESS: **JOE AUTHER (FBI)** Witness was sworn. DX. Ref. to Ex. 18. Ex. 2. Ref. to manila envelopes. Ex. 5. Government offered Ex. 5; no objections; Court so Ordered. Ex. 5A. Government offered Ex. 5A; no objections; Court so Ordered. Ex. 6. Government offered Ex. 6; no objections; Court so Ordered. Ex. 6A. Government offered Ex. 6A; objections; Court reserved. Ex. 6. Ex. 7 & 7A. Government offered Ex. 7; no objections; Court so Ordered. Ex. 7. Ex. 7A. Government offered Ex. 7A; objections; Court reserved. Ex. 7A. Ex. 8. Government offered Ex. 8; no objections; Court so Ordered. Ex. 8. Ref. to Subpoena of Verizon. Ex. 28. Government offered Ex. 28; no objections; Court so Ordered. Ex. 28. Ex. 29. Government offered Ex. 29; no objections; Court so Ordered.

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At 2:52 p.m. Court excused the jurors for a break. Court took up the matter regarding Ex. 6A, 7A & 8A. After all arguments, Court overruled the objections and admitted the exhibits as public records. Witness Auther was excused for a break.

At 3:16 p.m. all jurors were present. Court resumed at 3:18 p.m.

WITNESS: **JOE AUTHER (FBI)**. *Attorney Flores began CX. Ex. 5, 6, 7 & 8. Attorney Inos began CX. Ex. 28 & 29. Government began RDX. Ex. 5, 6, 7 & 8.* Witness was excused for now.

At 3:37 pm. EXHIBIT 19 & 19A (19-Copy of Grand Jury testimony transcript & 19A is cassette tape of Grand Jury testimony of Eric Mafnas) was displayed to the Jury. At 4:00 p.m. tape concluded. At 4:00 p.m. the Court admonished and excused the Jurors for the day and Ordered them to return on Monday, August 8, 2005 to resume trial. Court instructed counsels to submit jury instructions.

Adjourned 4:05 p.m.

A handwritten signature in black ink, appearing to read 'MCM', is written above the printed name.

Michelle C. Macaranas, Court Deputy